In the claims:

Following is a complete set of claims as amended with this Response.

1. (Currently Amended) A ~~In a communication system having a first predefined maximum system transmission power level for in band transmissions, a~~ method comprising:

measuring communication performance between a first communication device and a second communication device in a radio communication system, the radio communication system having a first communication frequency band, a second communication frequency band, and a guard band between the first and second communication frequency bands;

determining that the measured communication performance ~~between a first communication device and a second communication device~~ exceeds a performance threshold;

based on the determination, assigning a ~~first~~ band-edge channel to carry communications ~~for communication~~ between the first communication device and the second communication device, the band-edge channel being a communication channel within the guard band; and

the first communication device transmitting a ~~first~~ signal for reception by the second device via the ~~first~~ band-edge channel~~, the first signal transmitted at a reduced power level that is below the first predefined maximum system transmission power level~~.

2. (Currently Amended) The method of claim 22 ~~claim 1~~, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal being transmitted at or below the reduced power level.

3. (Currently Amended) The method of claim 1 ~~claim 2~~, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal the second signal being transmitted via the ~~first~~ band-edge channel.

4. (Currently Amended) The method of claim 1 ~~claim 2~~, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal being transmitted via a second band-edge channel.

5. (Previously Presented) The method of claim 2, further comprising:

the first communication device transmitting an indication to the second communication device indicating a maximum transmission power level to be used by the second communication device.

6. (Currently Amended) The communication device of claim 24 ~~method of claim 1~~, further comprising:

~~providing a~~ power control mechanism to assign ~~for assigning~~ a temporary assigned power level for transmitting the ~~first~~ signal, the temporary assigned power level being less than the reduced power level.

7. (Currently Amended) The method of claim 1 ~~claim 6~~ further comprising:

determining a minimum level of communication performance for transmitting the ~~first~~ signal; and

selecting, based on the minimum level of communication performance, a temporary ~~the temporary~~ assigned power level.

8. (Currently Amended) The communication device of claim 21 ~~method of claim 2~~, further comprising:

~~providing~~ a power control mechanism to assign ~~for assigning~~ a temporary assigned power level for transmitting the second signal, the temporary assigned power level being less than the reduced power level.

9. (Currently Amended) The method of claim 2 ~~claim 8~~ further comprising:

determining a minimum level of communication performance for transmitting the second signal; and

selecting, based on the minimum level of communication performance, a temporary ~~the temporary~~ assigned power level.

10. (Currently Amended) The method of claim 1, wherein measuring communication performance comprises measuring ~~is determined based on~~ a metric selected from the group consisting of signal-to-noise ratio ~~ration~~ (SNR), signal-to-interference-noise ratio ~~ration~~ (SINR), received signal strength indication (RSSI), bit error rate (BER), and frame error rate (FER).

11. (Currently Amended) The method of claim 7, wherein measuring communication performance comprises measuring ~~is determined based on~~ a metric selected from the group consisting of signal-to-noise ratio ~~ration~~ (SNR), signal-to-interference-noise ratio ~~ration~~ (SINR), received signal strength indication (RSSI), bit error rate (BER), and frame error rate (FER).

12. (Original) The method of claim 1, further comprising:

after transmitting the ~~first~~ signal, determining that interference affecting communication between the first and second communication devices is above a threshold; and

increasing the amount of power used to transmit from the first communication device.

13. (Original) The method of claim 2, further comprising:

after receiving the second signal, determining that interference affecting communication between the first and second communication devices is above a threshold; and

increasing the amount of power used to transmit from the second communication device.

14. (Currently Amended) The method of claim 1 further comprising:

providing the ~~first~~ predefined maximum system transmission power level for in-band transmissions from the first communication device to the second communication device;

providing a second predefined maximum system transmission power level for in-band transmissions from the second communication device to the first communication device; and

causing the second communication device to transmit at a power level that is below the second predefined maximum system transmission power level.

15. (Original) The method of claim 14, wherein the first communication device comprises a base station and the second communication device comprises a terminal.

16. (Currently Amended) The method of claim 14, wherein the first and second predefined maximum system transmission power levels are equal.

17. (Currently Amended) The method of claim 14, wherein the first and second predefined maximum system transmission power levels are unequal.

18. (Canceled)

19. (Canceled)

20. (Currently Amended) A communication device comprising:

a processor to determine that communication performance between the communication device and a second communication device exceeds a performance threshold, and to assign a ~~assigning a first~~ band-edge channel for communication between the communication device and the second communication device in response to the determination, the band-edge channel being a communication channel within a guard band, guard band being a frequency band between a first communication frequency band and a second communication frequency band; and

a transmitter to transmit a ~~first~~ signal for reception by the second device via the ~~first~~ band-edge channel~~, the first signal transmitted at a reduced power level that is below a predefined maximum system transmission power level~~.

21. (Previously Presented) The communications device of claim 20, further comprising:

a receiver to receive a second signal transmitted by the second communication device, the second signal being transmitted at or below the reduced power level by the second communications device.

22. (New) The method of claim 1, wherein the signal is transmitted at a reduced power level that is below a predefined maximum system transmission power level.

23. (New) The method of claim 1, wherein measuring communication performance comprises measuring communication performance at the second communication device and transmitting the measured communication performance to the first communication device.

24. (New) The communication device of claim 20 wherein the signal is transmitted at a reduced power level that is below a predefined maximum system transmission power level.

25. (New) A method comprising:

measuring communication performance between a second communication device and a first communication device in a radio communication system, the radio communication system having a first communication frequency band, a second communication frequency band, and a guard band between the first and second communication frequency bands;

if the measured communication performance exceeds a performance threshold, then receiving an assignment of a band-edge channel to carry communications between the first communication device and the second communication device, the band-edge channel being a communication channel within the guard band; and

receiving a signal from the first device at the second device via the band-edge channel.

26. (New) The method of claim 25, wherein measuring the communication performance comprises measuring communication performance at the second communication device and transmitting the measured communication performance to the first communication device.

27. (New) The method of claim 25, further comprising receiving a temporary power assignment from the first device and transmitting a second signal from the second device to the first device via the band-edge channel with the assigned power, the temporary power assignment being lower than a predefined maximum system transmission power level for out-of-band communications.

28. (New) The communication device of Claim 20, wherein the communication device is one of a base station, a remote terminal, and a terminal in a peer-to-peer network.